

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN ROGER SOMERVILLE**, on January 24, 2001
at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Roger Somerville, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Joe Balyeat (R)
Rep. Debby Barrett (R)
Rep. Ronald Devlin (R)
Rep. Dave Gallik (D)
Rep. Steven Gallus (D)
Rep. George Golie (D)
Rep. Donald L. Hedges (R)
Rep. Jim Keane (D)
Rep. Gary Matthews (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Karl Waitschies (R)

Members Excused: Rep. Carol C. Juneau, Vice Chairman (D)

Members Absent: None.

Staff Present: Donna Huffman, Committee Secretary
Leanne Kurtz, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 212, HB 219, HB 207,
1/24/01
Executive Action: none.

Hearing on HB 219

Sponsor: Rep. Joe McKenney, HD 49, Great Falls.

Proponents: Ronna Christman, Montana Petroleum Marketers Association; Steve Wade, MPMA; Richard Clark, KwikWay, Inc.; Tim Sweeney, Vice President of Shamrock Stores, Missoula.

Opponents: none.

Informational Witnesses: Brenda Nordlund, Rep. Motor Vehicle Division.

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 3.2}

Rep. McKenney said HB 219 is an act providing for the suspension of a driver's license for a person who steals fuel from a retail establishment at which motor vehicles are fueled. This bill offers petroleum retailers a legal avenue to prosecute an individual who drives off without paying for fuel. This bill acts as a deterrent, warning would be offenders that if those individuals drive off, without paying for fuel, they may lose their driver's license.

Proponents' Testimony:

Ronna Christman said the membership base of MPMA represents approximately 80% of the 1500 retail fueling locations in the state. People who steal fuel are not paying their share of the fuel tax. In the State of Montana, that is over 27 cents per gallon of gasoline, and on a Federal level that is 18.4 cents, totaling over 46 cents a gallon of tax, which ultimately they have to collect from the consumer. She said they urge positive consideration for HB 219. **EXHIBIT(trh19a01)**

{Tape : 1; Side : A; Approx. Time Counter : 10.8}

Steve Wade said this will help in tracking down people who steal retail gasoline. Since it is related to the operation of the vehicle, it should be tied with their driver's license. He supports HB 219.

Richard Clark said he has copies of drive-off reports. In the last 2 years this has cost his company almost \$18,000. This is a major expense for the company. **EXHIBIT(trh19a02)**

{Tape : 1; Side : A; Approx. Time Counter : 15.8}

Tim Sweeney said in their stores, gas drive-offs were over \$16,000 since 1998. This reflects directly in the higher price of fuel people are paying in stores.

Opponents' Testimony: none.

Questions from Committee Members and Responses:

Rep. Devlin said to **Rep. McKenney** in the bill, why is it presumed the registered owner is the driver. **Rep. McKenney** said a lot of times it is harder to get a description of the person in the vehicle, and easier to get a license plate number.

Rep. Smith asked **Ms. Nordlund** if a court conviction or a letter from the police is necessary to revoke a driver's license. **Ms. Nordlund** said this would be imposed only on a conviction and that is normally how driver's licenses are suspended.

{Tape : 1; Side : B; Approx. Time Counter : 0.3}

Rep. Balyeat said to Mr. Clark why not have a system where you could put your driver's license in before getting fuel. **Mr. Clark** said that might be something that could be possible.

Closing by Sponsor:

Rep. McKenney said this bill does two things. First, a person convicted of stealing gasoline would have their driver's license suspended. The second thing is it helps law enforcement to catch these violators.

Hearing on HB 207

{Tape : 1; Side : B; Approx. Time Counter : 8.3}

Sponsor: Rep. Christopher Harris, HD 30, Bozeman.

Proponents: Al Smith, Exec. Director of Montana Trial Lawyers Assoc.; Jan VanRiper, Deputy of Insurance Directors.

Opponents: Roger McGlenn, Independent Insurance Agents of Montana; Ron Ashbrenner, State Farm Insurance; Robert Throssell, Montana County Treasure's Association.

Informational Witnesses: Dean Roberts, Administrator of Motor Vehicles Division.

Opening Statement by Sponsor:

Rep. Harris said HB 207 requires you to show proof of insurance when you get your vehicle registered. **EXHIBIT(trh19a03)**

{Tape : 1; Side : B; Approx. Time Counter : 16.7}

Proponents' Testimony:

Al Smith said they stand in support of HB 207.

Jan VanRiper said they stand in support of HB 207.

Opponents' Testimony:

Roger McGlenn said they would like to help find a way to solve the uninsured motorists problem, but he said they oppose HB 207.

Ron Ashbrenner said they send over 84,000 registered letters to the Department of Motor Vehicles a year for insurance cancellations. He said they oppose HB 207.

Robert Throssell said this would be the office to enforce this law. The clerks in the Treasure's office would have to make a determination if the paper they are handed is a valid certificate of insurance requirements. He said they ask that HB 207 does not pass.

{Tape : 2; Side : A; Approx. Time Counter : 0.3}

Questions from Committee Members and Responses:

Rep. Price asked **Ms. VanRiper** if any other states have a law like this. **Ms. VanRiper** said she didn't know, but she would find out and let him know.

{Tape : 2; Side : A; Approx. Time Counter : 9.1}

Rep. Gallik asked **Mr. Roberts** to tell the committee the experiences of the State of Utah. **Mr. Roberts** said the major problem with people not having liability insurance is that law enforcement does not know about it. Utah has a reporting system with a third party vendor. They are in the business of taking information from the insurance companies, not only the cancellations of insurance policies, but who bought insurance.

They take this information put it through the Motor Vehicles System Law Enforcement Data Base, then there is no question if they have insurance. He said that is why we need some type of reporting system.

{Tape : 2; Side : A; Approx. Time Counter : 16.9}

Closing by Sponsor:

Rep. Harris said this is an attempt to deal with an issue that has not been addressed in this legislature or the previous legislature. When motorists are uninsured, and they cause a death, serious injury, property damage, there are very serious consequences of that. This bill would require motorists to at least have minimal insurance coverage. He urges Do Pass on HB 207.

{Tape : 2; Side : B; Approx. Time Counter : 0.3}

Hearing on HB 212

Sponsor: Rep. Jeff Pattison, HD 95.

Proponents: Rep. Matt McCann, HD 92.

Opponents: Matthew Cohn, Adventure Cycling Assoc.; Mark Cadwallader; Phil Smith, City of Missoula; Paul Smietanka, Helena Bicycle Club; Diana Papili, Gallatin Valley Bicycle Club; Kathy Harris; Scott Fisk; Eric Grove, Great Divide Cyclery; Craig Pozega, Great Divide Cycling Team; Robert Rasmussen; Mike Griffith; Marga Lincoln; Jeff Williams.

Informational Witnesses:

Gary Gilmore, Montana Department of Transportation. Colonel Bert J. Obert, Montana Highway Patrol.

{Tape : 2; Side : B; Approx. Time Counter : 1}

Opening Statement by Sponsor:

Rep. Pattison said this bill deals with safety for bicyclists and motorists. This will hopefully help to prevent accidents and save lives. He had handouts that show collisions with bicycles, **EXHIBIT(trh19a04)**, also a diagram of right hand turn procedures, **EXHIBIT(trh19a05)**, and interstate exits with left and right hand turns, **EXHIBIT(trh19a06)**. This bill helps to identify some of the problems, and come up with some of the solutions. One

problem is visibility. He handed out copies of Accident Investigator's Reports from 1998 on, involving accidents with motorists and bicyclists. **EXHIBIT(trh19a07)**.

Proponents' Testimony:

{Tape : 2; Side : B; Approx. Time Counter : 16.4}

Rep. McCann said this issue also recognizes a shared responsibility on our highways.

Opponents' Testimony:

Matthew Cohn said, as a bicycling organization, they are concerned about legislation that would require bicyclists to ride against traffic outside incorporated areas. He said all states require bicyclists to ride with the flow of traffic, this is proven to be safer. He said they do not support HB 212.

Mark Cadwallader said he believes there will be a significant fiscal impact to both state and local government as a result of this bill. **EXHIBIT(trh19a08)** He also handed out an article concerning the Bike Law. **EXHIBIT(trh19a09)**. He urges Do not pass HB 212.

Phil Smith said every state in this country defines a bicycle as a vehicle, and requires the operator of a bicycle to comply with the same laws and rules as are required of the operator of a motor vehicle. **EXHIBIT(trh19a10)** He brought a map of Missoula showing roads going into the city and the problems this would create if this bill passed. **EXHIBIT(trh19a11)**. He also had a copy of testimony from Missoula Police Department. **EXHIBIT(trh19a12)**.

{Tape : 3; Side : A; Approx. Time Counter : 0.3}

Paul Smietanka said this would create a lot of confusion for bicyclists and motorists. He does not support HB 212.

Diana Papili said, as a possible safety measure, she recommends requiring rear view mirrors. She does not support HB 212.

{Tape : 3; Side : A; Approx. Time Counter : 18}

Kathy Harris said a lack of uniformity creates confusion, and creates more opportunity for error. She does not support HB 212.

Scott Fisk said he does not support HB 212. **EXHIBIT(trh19a13)**, **EXHIBIT(trh19a14)**.

Eric Grove said he urges a Do not pass HB 212. **EXHIBIT**(trh19a15).

Craig Pozega said he does not support HB 212. **EXHIBIT**(trh19a16)

Robert Rasmussen said he does not support HB 212.

Mike Griffith said this legislation would not be compatible with other state and countries. He said he does not support HB 212.

{Tape : 3; Side : B; Approx. Time Counter : 0.3}

Marga Lincoln said she does not support HB 212.
EXHIBIT(trh19a17).

Jeff Williams said he does not support HB 212.

Walter Stark faxed testimony to oppose HB 212. **EXHIBIT**(trh19a18).

{Tape : 3; Side : B; Approx. Time Counter : 3.3}

Informational Witnesses Testimony:

Gary Gilmore said MDT does not support HB 212.

Colonel Bert J. Obert offered a set of amendments to HB 212.
EXHIBIT(trh19a19).

Questions from Committee Members and Responses:

{Tape : 3; Side : B; Approx. Time Counter : 10.2}

Rep. Gallus asked **Mr. Gilmore** if there were standards in constructing a road so that it must maintain a certain amount of vision, and what the minimum amount would be. **Mr. Gilmore** said they do have standards that address those things.

Closing by Sponsor:

{Tape : 3; Side : B; Approx. Time Counter : 22}

Rep. Pattison said this problem needs to be addressed by both motorists and bicyclists. He said maybe the committee should work on a committee bill.

Chairman Somerville said a committee bill would be discussed on Friday.

ADJOURNMENT

Adjournment: 5:30 P.M.

REP. ROGER SOMERVILLE, Chairman

DONNA HUFFMAN, Secretary

RS/DH

EXHIBIT (trh19aad)